

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1363 of 2018

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M/s Maa Rice Mill, Proprietor Hari Kishor Prasad Yadav, Son of Late Yogeshwar Prasad Yadav, resident of Mohalla - Fenhara, P.S. Taraiya, District-Saran.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
3. The Chief Finance, Bihar State Food and Civil Supplies Corporation, Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Chhapra.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwari, Advocate
For the Respondents : Mr. Upendra Pratap Singh, AC to SC4
For the BSFC : Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-04-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. This matter has been taken up out of turn on the request of learned counsel for the petitioner for payment of its outstanding dues.

3. The present writ petition has been filed for the following reliefs --

“(i) To direct the respondents as to make payment of Rs. 3,25,540.00, in terms of the Letter No. 1732 dated 30.12.2015 and payments of Rs. 4,55,383.00, in terms of Letter No. 1733 dated 30.12.2015, issued under the signature of the District Manager, Bihar State Food &



Civil Supplies Corporation, Chapra, to the petitioner towards milling charge and handling charge of paddy and transportation of C.M.R. (Custom Milled Rice) to the godown.

(ii) To direct the respondents as to make payment to the petitioner of the said amount together with simple interest @ 12%, as the said amount is due of the procurement year 2013-14 and 2014-15.

(iii) For grant of any other relief or reliefs which may deem fit and proper in the facts and circumstances of the case”.

4. Learned counsel for the petitioner submits that despite having completed the contract milling work for the year 2013-14 and 2014-15 and raised bills for the same including milling and handling of paddy and transportation of C.M.R. to the godown, for a total amount of Rs. 4,55,383.00, the same remains outstanding which is also not in dispute in view of the letter dated 30.12.2015 issued by the District Manager, BSFC, Chapra (Annexure-2).

5. Learned counsel for the Corporation appears and has been heard.

6. Having regard to the nature of the grievances of the petitioner, this writ petition is disposed of, granting liberty to the petitioner to approach the Managing Director, Bihar State Food and Civil Supply Corporation, Patna (Respondent No. 2) with a fresh representation for redressal of its grievances. If any such



representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner’s representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

7. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.04.2018
Transmission Date	N.A.

